

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 646

Introduced by Christensen, 44; Carlson, 38; Hansen, 42; Schilz, 47;
Wallman, 30.

Read first time January 21, 2009

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend section 81-12,128,
2 Reissue Revised Statutes of Nebraska, and section
3 54-2426, Revised Statutes Cumulative Supplement, 2008; to
4 adopt the Livestock Growth Act; to provide for funding
5 and funding intent; to repeal the original sections; and
6 to declare an emergency.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known and
2 may be cited as the Livestock Growth Act.

3 Sec. 2. The Legislature finds that livestock production
4 is vital to the economic prosperity and overall growth of Nebraska
5 and the well-being of its citizens. The Legislature further finds
6 that enhancement of opportunities for the growth of livestock
7 production is a viable means of economic development for Nebraska's
8 rural communities and a need exists to provide aid, resources,
9 and assistance to Nebraska rural communities and counties seeking
10 opportunities in the growth of livestock production.

11 Sec. 3. (1) The Department of Agriculture and the
12 Department of Economic Development shall establish a livestock
13 growth evaluation process to assist counties that have received
14 a livestock friendly county designation from the Director of
15 Agriculture pursuant to section 54-2802 and seek to increase
16 livestock production. Such process shall include, but not be
17 limited to:

18 (a) Assisting counties and associated communities in
19 evaluating potential interest, opportunities, and readiness for the
20 growth of livestock production in the county;

21 (b) Assisting in the examination, identification, and
22 potential acquisition of locations within a county suitable for
23 livestock production;

24 (c) Assisting in the development of a marketing plan upon
25 the completion of the county and community evaluation to aid in

1 growth of livestock production in the county.

2 (2) A county may remove itself from the process at any
3 time.

4 (3) The Department of Environmental Quality shall assist
5 in carrying out subdivision (1)(b) of this section by developing
6 criteria for and providing onsite environmental appraisals of
7 potential livestock production locations as identified by a county
8 to aid in the evaluation of the viability of a potential site.
9 Nothing in this section shall replace or substitute for inspections
10 and permits required under the Environmental Protection Act or the
11 Livestock Waste Management Act.

12 Sec. 4. The Department of Agriculture and the Department
13 of Economic Development shall establish a loan program to provide
14 loans to counties for infrastructure development to facilitate
15 the growth of livestock production. The Department of Economic
16 Development shall administer the loan program. For purposes of
17 this section, infrastructure development means the construction,
18 modification, and maintenance of roads, bridges, and other
19 installations to facilitate the growth of livestock production.
20 Counties that have received a livestock friendly county designation
21 from the Director of Agriculture pursuant to section 54-2802 and
22 have completed the process identified in section 3 of this act
23 shall be eligible for infrastructure development loans under this
24 section. Loans shall be awarded to counties upon application
25 to and approval from the Department of Economic Development.

1 Such application shall include notice of a specified livestock
2 production project, the intended use of loan funds by the county
3 related to the project, and notice of the county's issuance of a
4 conditional use permit for such project, if required by the county.

5 Loans shall not exceed two hundred thousand dollars per project,
6 shall be repaid within five years after receipt of the funds, and
7 shall be interest-free.

8 Sec. 5. The Livestock Growth Act Revolving Loan Fund
9 is created. The department may make loans from the fund pursuant
10 to section 4 of this act and may conduct activities related
11 to financial administration of the fund or the provision or
12 administration of technical assistance. The fund shall consist of
13 state appropriations, federal and state grants, commodity checkoff
14 funds, private donations and grants, and other money designated for
15 the fund. No funds shall be received or accepted for the Livestock
16 Growth Act Revolving Loan Fund that are designated for the purpose
17 or benefit of a single business, enterprise, or individual. Any
18 money in the fund available for investment shall be invested by the
19 state investment officer pursuant to the Nebraska Capital Expansion
20 Act and the Nebraska State Funds Investment Act.

21 Sec. 6. The Department of Agriculture and the Department
22 of Economic Development may adopt and promulgate rules and
23 regulations to carry out the Livestock Growth Act. The departments
24 shall form a committee made up of staff from each agency to draft
25 such rules and regulations.

1 Sec. 7. Section 54-2426, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 54-2426 (1) Each application for a National Pollutant
4 Discharge Elimination System permit or construction and operating
5 permit shall include, in addition to other requirements, ~~(1)~~ (a)
6 a certification that the information contained in the application
7 is accurate to the best of the applicant's knowledge and belief
8 and that the applicant has the authority under the laws of the
9 State of Nebraska to sign the application and ~~(2)~~ (b) a completed
10 nutrient management plan and supporting documentation unless such
11 information has been previously submitted and is unchanged. The
12 nutrient management plan shall be considered a part of the
13 application. For National Pollutant Discharge Elimination System
14 permits, the plan shall, at a minimum, meet and conform to the
15 requirements of the National Pollutant Discharge Elimination System
16 in the federal Clean Water Act, 33 U.S.C. 1251 et seq. A copy
17 of the nutrient management plan and supporting documentation shall
18 continuously be kept on file at the department. The operator shall
19 at least annually update changes made to the nutrient management
20 plan as required pursuant to rules and regulations adopted and
21 promulgated by the council. For a construction and operating
22 permit, the plan shall contain, at a minimum, the information which
23 the department required to be included in all nutrient management
24 plans on January 1, 2004.

25 (2) Applications for construction and operating permits

1 and National Pollution Discharge Elimination System permits
2 resulting from sites identified pursuant to the Livestock Growth
3 Act shall receive priority in evaluation by the department.

4 Sec. 8. Section 81-12,128, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 81-12,128 (1) The Building Entrepreneurial Communities
7 Cash Fund is created. The fund shall be administered by the
8 Department of Economic Development. Any money in the fund available
9 for investment shall be invested by the state investment officer
10 pursuant to the Nebraska Capital Expansion Act and the Nebraska
11 State Funds Investment Act.

12 (2) The State Treasurer shall credit to the fund such
13 money as is (a) transferred to the fund by the Legislature, (b)
14 paid to the state as fees, deposits, payments, and repayments
15 relating to the fund, both principal and interest, (c) donated as
16 gifts, bequests, or other contributions to such fund from public
17 or private entities, and (d) made available by any department or
18 agency of the United States if so directed by such department or
19 agency.

20 (3) The fund shall be expended by the Department of
21 Economic Development for the purpose of carrying out the Building
22 Entrepreneurial Communities Act.

23 (4) On July 1, 2009, the State Treasurer shall
24 transfer fifty thousand dollars from the Building Entrepreneurial
25 Communities Cash Fund to the Livestock Growth Act Revolving Loan

1 Fund.

2 Sec. 9. It is the intent of the Legislature that the Corn
3 Development, Utilization, and Marketing Board grant one hundred
4 thousand dollars to the Department of Agriculture or the Department
5 of Economic Development for purposes of providing funding for the
6 Livestock Growth Act.

7 Sec. 10. It is the intent of the Legislature to reduce
8 the General Fund appropriation to the Agricultural Opportunities
9 and Value-Added Partnerships Act by one hundred thousand dollars
10 and allocate one hundred thousand dollars to the Livestock Growth
11 Act Revolving Loan Fund.

12 Sec. 11. Original section 81-12,128, Reissue Revised
13 Statutes of Nebraska, and section 54-2426, Revised Statutes
14 Cumulative Supplement, 2008, are repealed.

15 Sec. 12. Since an emergency exists, this act takes effect
16 when passed and approved according to law.